DEVIN DERHAM-BURK #104353 1 CHAPTER 13 STANDING TRUSTEE P O Box 50013 2 San Jose, CA 95150-0013 3 Telephone: (408) 354-4413 Facsimile: (408) 354-5513 4 Trustee for Debtor(s) 5 6 7 UNITED STATES BANKRUPTCY COURT 8 NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5 9 In re: 10 Chapter 13 11 Case No. 10-5-0707 RLE PHAN, JENNIFER 12 TRUSTEE'S OBJECTION TO CONFIRMATION WITH CERTIFICATE OF 13 SERVICE 14 341 Meeting: Date: MAY 7, 2010 @ 1:30 PM Pre-Hearing Conference Date: MAY 20, 2010 Pre-Hearing Conference Time: 2:00 PM Place: 280 S. 1<sup>st</sup> Street Room 3099 15 16 San Jose, CA Judge: Roger L. Efremsky 17 Debtor(s) 18 Devin Derham-Burk, Trustee in the above matter, objects to the Confirmation of this 1% Plan for 19 the following reasons: 20 21 22 1. The Trustee is unable to determine if 11 U.S.C. § 1325(a)(4) is met. The debtor has over 23 exempted the 1000 Peterbilt under CCP § 704.060. The maximum amount allowed under 24 this exemption is \$4,850.00. The debtors must amend Schedule C accordingly. 25 2. Pursuant to the review of the pay advices provided for the non-filing spouse it appears 26 27 that his average monthly withholdings is approximately \$360.00 not \$1,125.00 as listed 28 on Schedule I. The debtor must amend Schedule I accordingly. Because of this

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inconsistency, the Trustee cannot determine whether the plan is feasible under 11 U.S.C. § 1325(a)(6). Dated: May 5, 2010 /S/ Devin Derham-Burk Chapter 13 Trustee 

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## **CERTIFICATE OF SERVICE BY MAIL**

is 983 University Ave. C-100, Los Gatos, California 95032. I served a copy of the within Objection to Confirmation by placing same in an envelope in the U.S. Mail at Los Gatos, California on May 5, 2010.

I am not less than 18 years of age and not a party to the within case; my business address

Said envelopes were addressed as follows:

JENNIFER PHAN

577 PASEO REFUGIO MILPITAS CA 95035

LAW OFFICES OF DAVID BOONE 1611 THE ALAMEDA SAN JOSE CA 95126

/S/\_\_Clotilde Costa\_

Office of Devin Derham-Burk, Trustee

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